

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

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FCC Mail Room

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In the Matter of

**MARITIME COMMUNICATIONS/LAND
MOBILE, LLC**

Participant in Auction No. 61 and Licensee of
Various Authorizations in the Wireless Radio
Services

Applicant for Modification of Various
Authorizations in the Wireless Radio Services

Applicant with **ENCANA OIL AND GAS (USA),
INC.; DUQUESNE LIGHT COMPANY, DCP
MIDSTREAM, LP; JACKSON COUNTY
RURAL MEMBERSHIP ELECTRIC
COOPERATIVE; PUGET SOUND ENERGY,
INC.; ENBRIDGE ENERGY COMPANY,
INC.; INTERSTATE POWER AND LIGHT
COMPANY; WISCONSIN POWER AND
LIGHT COMPANY; DIXIE ELECTRIC
MEMBERSHIP CORPORATION, INC.;
ATLAS PIPELINE-MID CONTINENT, LLC;
DENTON COUNTY ELECTRIC
COOPERATIVE, INC., DBA COSERV
ELECTRIC; AND SOUTHERN
CALIFORNIA REGIONAL RAIL
AUTHORITY**

For Commission Consent to the Assignment of
Various Authorizations in the Wireless Radio
Service

EB Docket No. 11-71

File No. EB-09-IH-1751
FRN: 0013587779

Application File Nos.
0004030479, 0004144435,
0004193028, 0004193328,
0004354053, 0004309872,
0004310060, 0004314903,
0004315013, 0004430505,
0004417199, 0004419431,
0004422320, 0004422329,
0004507921, 0004153701,
0004526264, 0004636537,
and 0004604962

ORDER

Issued: January 24, 2012

; Released: January 24, 2012

On January 13, 2012, an emergency Motion for Withdrawal of Counsel (Motion) was filed by Drinker Biddle & Reath LLP (Drinker), counsel for parties Warren C. Havens, Environmental LLC, Intelligent Transportation & Monitoring Wireless LLC, Skybridge Spectrum Foundation, Telesaurus Holdings GB LLC, Verde Systems LLC, and V2GLLC (collectively SkyTel).

The Motion seeks authorization for withdrawal as counsel representing Mr. Havens and all of his SkyTel related companies. No substantive reason is stated in the Motion, only references to Rule 1.7 and Rule 1.16(a) and/or (b) of the District of Columbia Rules of Professional Conduct.

An Opposition to Withdrawal was filed by Maritime Communications/Land Mobile, LLC (Maritime) on January 17, 2012. The Enforcement Bureau has not submitted a pleading on the subject.

On January 19, 2012, Drinker filed Motion for Leave to File Supplement and Supplement to Emergency Motion for Withdrawal as Counsel. The Supplement is a response to Maritime's objection to granting the Motion due to the absence of any "factual basis" supporting SkyTel's request to withdraw. Drinker confirms in the Supplement its concern for protecting client confidential communications under Rule 1.7 (conflict of interest). Drinker also represents that its conflict "is not a conflict of interest between SkyTel and another Drinker client." Rather, "the conflict is between" SkyTel and Drinker itself," with Drinker urging that "the nature of this conflict makes it impossible for Drinker to continue to represent SkyTel," and "that the conflict" requires immediate termination of Drinker's representation. (*See* Drinker's Supplement at 2, second full paragraph.) Drinker repeats its request for "immediate ruling."

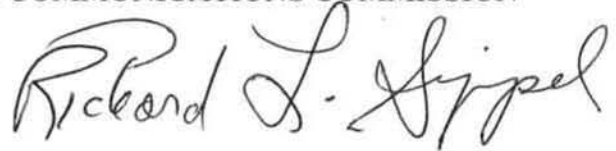
As of the date of Drinker's Supplement, there was submitted no declaration or written statement or letter of Mr. Havens showing the client's position on representation. The Presiding Judge has some reason to believe that Mr. Havens may not be in total agreement with language contained in the Motion to Withdraw, but he is not opposed to Drinker's withdrawal as counsel. To be sure, a Drinker attorney must appear at the January 25 conference to explain the nature and scope of Mr. Havens' concern. Today, in light of the circumstances, Mr. Havens has been authorized to "attend" the conference by courtroom speaker phone.

The Supplement is accepted as submitted, and is given full consideration in resolving the question of counsel withdrawal. Commendably, Drinker shows recognition of its professional duties: (1) to attend the conference if SkyTel has not yet obtained new counsel; (2) if requested by SkyTel, to continue as counsel of record in order to request additional time for SkyTel to obtain new counsel; (3) to provide reasonable assistance to new counsel in the transfer of client and case files; and (4) to cooperate for a reasonable time in transitioning SkyTel representation to a new counsel. (Supplement at 3-4, second and third paragraphs.

RULING

Accordingly, subject to the foregoing conditions, IT IS ORDERED that the Motion for Withdrawal as Counsel filed on January 13, 2012 by Drinker Biddle & Reath LLP, IS GRANTED.¹

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, reading "Richard L. Sippel". The signature is written in a cursive, flowing style with a large initial "R".

Richard L. Sippel
Chief Administrative Law Judge

¹ Courtesy copies of *Order* sent to all parties/counsel by e-mail on date of issuance.